

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW HAMPSHIRE

Glenn Fuerst, et al

Plaintiff

v.

Civil Action No. 1:20-cv-00369-AJ

WVSR, LLC.

Defendant

DEFENDANT’S MOTION TO STRIKE EXPERT WITNESS, GEORGE MELCHIOR,
OR IN THE ALTERNATIVE, TO STRIKE CERTAIN PORTIONS OF HIS
REPORT/TESTIMONY, OR ORDER A DAUBERT HEARING

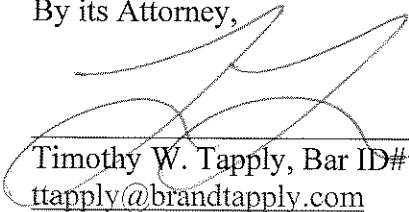
Now comes the Defendant in this matter, WVSR, LLC (“Waterville Valley” or “Defendant”), by and through the undersigned counsel, Timothy W. Tapply, Esq. and Brand & Tapply, LLC, and hereby moves pursuant to Fed. R. Evid. 403 and Fed. R. Evid. 702 that this court strike the Plaintiff’s expert witness, Mr. George Melchior, with respect to both the Plaintiff’s expert disclosure and any trial testimony or, in the alternative, to strike certain portions of his report/testimony or order a Daubert Hearing. As grounds for its motion, the Defendant contends that the procedures, practices, and processes by which the Plaintiff’s liability expert arrived at the opinions that he is reasonably expected to assert at trial are unreliable, not grounded in facts, do not conform with industry standards, are based on an impermissible covert

inspection of the Defendant's premises, are based on knowledge and qualifications that Mr. Melchior does not possess, and generally contravenes the Federal Rules of Evidence and Rules of Civil Procedure.

As grounds for its motion, the Defendant submits the attached memorandum of law supporting its motion.

Respectfully submitted,
WVSR, LLC
d/b/a Waterville Valley Ski Resort
By its Attorney,

Dated: August 13, 2021



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically served through ECF to all counsel of record on this date.

Jack S. White, Esq.
Israel F. Piedra, Esq.
Welts White & Fontaine PC
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PO Box 57
Nashua, NH 03061

Dated: August 13, 2021



Timothy W. Tapply